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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,377	03/14/2001	Tomas Brodsky	US010059	3327

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

YODER III, CHRISS S

ART UNIT PAPER NUMBER

2612

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/808,377	Applicant(s) BRODSKY ET AL.	
	Examiner Chriss S. Yoder, III	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,11,12,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,11,12,21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/20/2005 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-6, 11-12, and 21 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Applicant's arguments filed 04/20/2005 with respect to claim 22 have been fully considered but they are not persuasive.

In regard to claim 22, Applicant argues the Official Notice taken by the examiner that the use of focal length adjustment is notoriously well known and expected in the art. Applicant states that Ogino "did not see any advantage to include focal length adjustment means, nor was it obvious to him to do so." However, the examiner points out that although Ogino did not disclose the use of a focal length adjustment means, it does not mean that he did not see any advantage to include this. Ogino's primary focus in his invention is directed

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toward the stereoscopic imaging, and does not state that it precludes the addition of a focal length adjustment means.

As the examiner has stated in the previous Office Actions, the modification of the Ogino device to include the use of a focal length adjustment means in order to focus the each camera so as to achieve maximum clarity and distinctness of the image rendered by the optical system. Other motivations to combine the Ogino device with a focal length adjustment means may include shifting the magnification smoothly and continuously, usually from normal or wide angle to telephoto, while maintaining focus and f-stop, as well as numerous other reasons. Therefore, the examiner believes that this rejection is valid and is upheld.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

***Claim Rejections - 35 USC § 103***

1. Claims 1, 3-6, 11-12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Driscoll, Jr. et al. (US Patent #6,593,969) in view of Ogino (US Patent # 6,762,794).

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2. In regard to claim 1, note Driscoll discloses the use of a camera system (column 2, lines 16-19) comprising an imaging means for outputting at least one image (column 2, lines 16-19), said imaging means includes a camera (column 2, lines 16-19), a set of mirrors angled a predetermined angle with respect to each other at a predetermined angle relative to a common plane intersecting said camera (column 8, lines 1-10; and figure 9B: 1021-1024), each mirror having adjacent ends disposed a predetermined distance from the camera along the common plane, for directing light from an object reflected in said mirrors directly to the camera for producing a reflected output of the camera (figure 9B: 1021-1024, the mirrors are located a predetermined distance from the camera).

Therefore, it can be seen that the Driscoll device lacks the use of a stereo imaging means, a recognition means for locating an object of interest in the field of view of the stereo imaging means and the distance to the object of interest from the stereo imaging means, and adjusting means for automatically changing at least one system parameter which affects the spatial resolution of the object of interest based on the located distance of the object of interest from the stereo imaging means.

Ogino discloses the use of a stereo imaging means (column 5, lines 30-31), a recognition means for locating an object of interest in the field of view of the stereo imaging means (column 6, lines 42-46) and the distance to the object of interest from the stereo imaging means (column 6, lines 42-46), and adjusting means for automatically changing at least one system parameter which affects the spatial resolution of the object of interest based on the located distance of the

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object of interest from the stereo imaging means (column 3, lines 59-61). Ogino teaches that the use of a stereo imaging means having a recognition means for locating an object of interest in the field of view of the stereo imaging means and the distance to the object of interest from the stereo imaging means, and adjusting means for automatically changing at least one system parameter which affects the spatial resolution of the object of interest based on the located distance of the object of interest from the stereo imaging means is preferred in order to properly align the parallax of the two images (column 6, lines 30-67). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Driscoll device to include the use of stereo imaging means having a recognition means for locating an object of interest in the field of view of the stereo imaging means and the distance to the object of interest from the stereo imaging means, and adjusting means for automatically changing at least one system parameter which affects the spatial resolution of the object of interest based on the located distance of the object of interest from the stereo imaging means as suggested by Ogino.

3. In regard to claim 3, note Ogino discloses the use of a stereo camera as claimed in claim 2 above. Therefore, it can be seen that Ogino fails to disclose that the camera is a still camera and the at least one stereo image is a still image. Official notice is taken that the use of a stereoscopic camera that takes still photographs is notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Ogino

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reference to include the use of a still camera in order to take individual stereoscopic or 3D photos to allow the user to print the images.

4. In regard to claim 4, note Ogino discloses that the camera is a video camera and the at least one stereo image is a sequence of video images (column 15, line 64 – column 16, line 4).

5. In regard to claim 5, note Ogino discloses the use of the adjusting means comprises angle adjustment means for adjusting the predetermined angle between the set of mirrors (column 13, lines 48-59).

6. In regard to claim 6, note Ogino discloses the use of a controller for controlling the angle based on an input signal from the recognition means (column 13, lines 48-59; and figure 14: S57-S60).

7. In regard to claim 11, note Ogino discloses the use of a controller for controlling the angle and baseline adjustment means based on an input signal from the recognition means (column 5, lines 40-57).

8. In regard to claim 12, note Ogino discloses that the recognition means is a stereo vision system (column 5, lines 27-29).

9. In regard to claim 21, this is a method claim, corresponding to the apparatus in claim 1. Therefore, claim 21 has been analyzed and rejected as previously discussed with respect claim 1.

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino (US Patent # 6,762,794).

11. In regard to claim 22, note Ogino discloses the use of a stereo camera system (column 1, lines 8-10) comprising a stereo imaging means including two

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cameras (column 5, lines 30-36; and figure 1: 103 and 104), each camera being angled a predetermined angle (column 5, lines 39-46) and distanced a predetermined distance with respect to each other and the object of interest (column 5, lines 39-46) for outputting at least one stereo image as a sequence of video images (column 15, line 64 – column 16, line 4), a recognition means for locating an object of interest in the field of view of the stereo imaging means (column 6, lines 42-46) and the distance to the object of interest from the stereo imaging means (column 6, lines 42-46), and adjusting means for automatically changing at least one system parameter which affects the spatial resolution of the object of interest based on the located distance of the object of interest from the stereo imaging means (column 3, lines 59-61) comprising an angle adjustment means for adjusting the predetermined angle of at least one of the two or more cameras (column 5, lines 40-45), baseline adjustment means for adjusting the predetermined distance between the two cameras (column 5, lines 40-45), distance adjusting means for adjusting a distance between at least one of the two cameras and the object of interest (figure 5: A, B, and C, by changing the angle of the cameras  $C_L$  and  $C_R$ , the distance to an object is changed). Therefore, it can be seen that the Ogino device lacks a focal length adjustment means for changing a focal length of at least one of the two cameras. Official notice is taken that the concepts and advantages of adjusting the focal length of a camera are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Ogino device to include the use of a focal length adjustment means in order to focus the each



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camera so as to achieve maximum clarity and distinctness of the image rendered by the optical system.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006545702B1: note the use of a mirror located in front of the camera to create panoramic images.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, <sup>Thoi Tran</sup> ~~Wendy Garber~~ can be reached on (571) 272-<sup>7382</sup> ~~7308~~. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY  
July 22, 2005

  
THAI TRAN  
PRIMARY EXAMINER